

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5772 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUSHILABEN JAYANTILAL MISTRY

Versus

SANJAYKUMAR NAVINCHANDRA BHOJAK

Appearance:

MR PK JANI for Petitioners

MR FB BRAHMBHATT for Respondent No. 1

Mr N D Gohil, APP for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 16/01/97

ORAL JUDGEMENT

Rule. Mr F B Brahmbhatt, learned Advocate and Mr N D Gohil, learned APP waives service of Rule on behalf of respondent No.1 and 2 respectively.

In pursuance of the directions of this Court dated 15.1.1997, the petitioner No.1 - Sushilaben J Mistry and respondent No.1-Sanjaykumar N Bhojak are

present in ths Court today.

2. I ascertained the wish of Sushilaben on which she expressed that she does onot want to live with respondent No.1-Sanjaykumar Bhojak. Both of them were given opportunity to talk to each other in my chamber. She has again expressed that she does not want to be in the company of Sanjaykumar Bhojak and she wants to continue to stay with her father. In view of this, no useful purpose is going to be served by giving effect to the order of the learned Chief Judicial Magistrate, Bhuj dated 30.10.1996 passed in Criminal Misc.Application No.385/96 whereby all the petitioners were directed to appear before the said court. It has also been brought to my notice that learned Civil Judge (SD), by order dated 27.9.1996 issued an injunction restraining respondent No.1-Sanjaykumar Bhojak from declaring himself as husband in pursuance of the alleged marriage dated 19.9.1996.

3. In the result, this Criminal Misc. Application is allowed. The order of the learned Chief Judicial Magistrate dated 30.10.1996 passed in Criminal Misc.Application No.385/96 is hereby quashed and set aside. Rule made absolute accordingly. This order will in no way prejudice the rights and contentions of the parties.

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